

# The Federal Flyer

## *Compromise Proposed on Transportation Spending Bill Mexican Truck Safety Language Could Be Resolved Soon*

Senate Transportation Appropriations **Subcommittee Chairwoman Patty Murray** (D - WA) and ranking Republican **Senator Richard Shelby** (R - AL) have offered a compromise proposal to allow the conference committee on H.R. 2299, the FY 2002 transportation appropriations bill, to move forward. The new provisions were written "in the interest of our getting to conference and finalizing the bill next week," the two senators wrote in a November 9 letter to **House Transportation Appropriations Subcommittee Chairman Harold Rogers** (R - KY) and **Secretary of Transportation Norman Y. Mineta**. The compromise language moves closer to the Bush Administration's position on allowing broader authority for Mexican motor carriers to operate in the United States beyond the border commercial zone while still providing that certain safety requirements are met.



Some of the new provisions would:

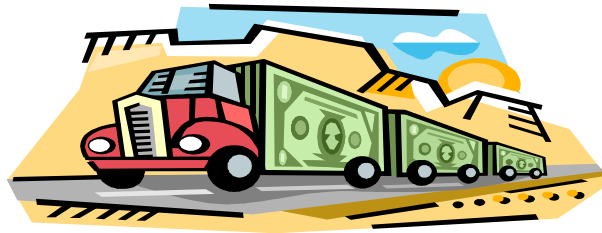
- require an on-site inspection of Mexican motor carriers before granting conditional authority to operate beyond the 20-mile commercial zone;
- require that carriers seeking permanent operating authority receive an on-site full safety compliance review "within 18 months of that motor carrier being granted conditional operating authority;"
- require inspections of all commercial Mexican trucks authorized or seeking authority to operate beyond the commercial zone that do not display a valid commercial vehicle safety alliance inspection decal, "by certified inspectors in accordance with the requirements for a Level 1 inspection under the criteria of the North American Standard Inspections, including examination of the driver, vehicle exterior and vehicle under-carriage" (CVSA decals would expire after 90 days.);
- outfit all commercial border crossings with scales to enforce provisions, but "equip the 10 such crossings that have the highest volume of commercial vehicle traffic with weigh-in-motion systems;"
- call for a study to determine other crossings that might benefit from weigh-in-motion systems; and
- require Mexican trucks to provide proof of valid insurance with an insurance company licensed in the United States.

The White House has indicated that, if Congress does not make significant progress to open the border to Mexican trucking operations, the President is prepared to veto the bill.

(continued)

**Projects Set for Cuts.** While the language restricting Mexican motor carrier operations in the U.S. has garnered the greatest attention in the FY 2002 transportation spending measure, the conferees must also deal with the distribution of funds among the large number of project earmarks in the bill. The combined House and Senate lists far exceed the available funds and the project earmarks in either bill are very different. The battle to win funding for these earmarks will be tough, as the traditional method of simply splitting the difference between the House and Senate amounts would leave little funding to do much for each project. Projects with conferees like Texas **Senator Kay Bailey Hutchison**, Congressman **Tom DeLay** (R - Sugar Land), and Congresswoman **Kay Granger** (R - Fort Worth) as sponsors will likely have the advantage.

The final bill is likely to reflect the higher spending levels in the Senate bill. This level of funding is within the overall \$686 billion spending limit agreed to for the regular FY 2002 appropriations bills. Any funding above that amount is subject to a presidential veto. House Republican leaders have thus far been successful in keeping any additional funding from being added for transportation or any other domestic programs. (Note: the \$686 billion limit does not include the additional \$40 billion supplemental appropriations bill enacted in September to provide for homeland security and recovery following the September 11 attacks in New York City, Washington, and Pennsylvania.)



## Effort Continues to Add Transportation Funds to Economic Stimulus Bill

### *Latest News: Byrd Cuts Highway Funds from Amendment Proposal*

At least eight Republican senators, led by **James Inhofe (OK)** and **Bob Smith (NH)**, the ranking member of the Senate Environment and Public Works Committee, are supporting an ARTBA, AASHTO, and AGC proposal to add \$5 billion in highway funding to the economic stimulus bill (H.R. 3090) now on the Senate floor. These senators sent a joint letter to **Senate Majority Leader Tom Daschle (D - SD)**, **Minority Leader Trent Lott (R - MS)**, **Appropriations Committee Chairman Robert Byrd (D - WV)**, and ranking member **Ted Stevens (R - AK)** calling for the increased highway spending. The \$5 billion in additional highway funds would come from the \$20.5 billion uncommitted balance in the Highway Trust Fund and would be distributed among the states according to TEA 21 formulas. The proposal also includes a temporary matching-funds waiver. Republican Senators signing onto the letter include Smith, Inhofe, **John Warner (VA)**, **Michael Crapo (ID)**, **Arlen Specter (PA)**, **Kit Bond (MO)**, **Craig Thomas (WY)**, and **Mike Enzi (WY)**.

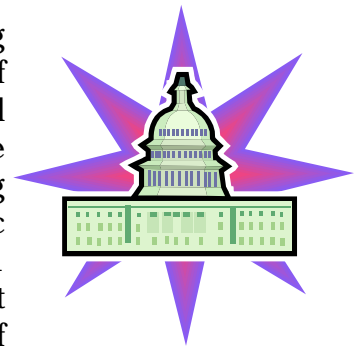
However, 38 other Republicans will support President Bush's threat to veto any spending beyond the \$686 billion in total spending agreed to for the FY 2002 appropriations bills and the \$40 billion supplemental appropriations bill approved in September. These senators alone could carry the votes needed to sustain a presidential veto.

On the other hand, all 50 Democrats and **Senate Environment and Public Works Committee Chairman Jim Jeffords** (I - VT), who votes with the Democrats, want increased spending to address additional emergency and homeland security needs. The Democrats' economic stimulus package already contains roughly \$66.3 billion in tax and workers compensation provisions. In addition, the Democratic leadership has given its blessing to a proposal by Senator Byrd to add some \$15 billion to the measure for homeland security spending. Byrd's original proposal included \$2.5 billion in highway funding and \$1.2 billion in transit spending. However, earlier this week Byrd announced that he had stripped his proposed amendment of the transportation provisions to avoid any attacks on the amendment as "pork barrel spending." Instead, Byrd said, the remaining spending is strictly for homeland security and any votes or attacks against the amendment would be attacks on homeland security needs.

In floor debate on Wednesday, Republicans succeeded in preventing action on the Democrats' economic stimulus bill by raising points of order against the bill on the grounds that it violates the Congressional Budget Act of 1974, which requires any new spending beyond the budget agreement levels to be offset either new revenues or spending cuts in other areas of the budget. Democrats argued that the economic stimulus package was necessary in the wake of the September 11 attacks and the slowing U.S. economy and asked to waive the Budget Act requirements. At least 60 votes are needed to overcome a point of order and the Democrats could only muster 51 votes. The bill has been set aside for now while the two sides negotiate on provisions that could move the bill forward. Both Senate Majority Leader Daschle and Minority Leader Lott have called for bipartisan negotiations between the House and Senate to craft a compromise stimulus package.

This means that it is still possible that additional transportation infrastructure spending could find its way into the bill. Although there is tremendous Republican opposition to additional domestic spending and a presidential veto threat if the Congress exceeds the spending limits agreed to earlier this summer, senators will still put forward amendments to provide spending targeted to benefit certain programs, including transportation.

Senator Smith filed an amendment to the stimulus measure that would provide \$5 billion in highway investment. Under the Smith amendment, states would be required to use one percent of their apportionments of \$5 billion for security assessments of their transportation infrastructure. It is unclear when or if the Smith Amendment will be debated.



The **Federal Flyer** is a publication of the TxDOT Legislative Affairs Office. It is intended to provide up-to-date information on major legislative activities in the 107th Congress for the management of the Texas Department of Transportation, state leaders, and others interested in Texas transportation issues. This report will also feature key activities in the national transportation community. Sources include news services and staff reports.

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